



**NEW MEXICO**  
**ENVIRONMENT DEPARTMENT**  
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***Draft: November 19, 2020***

**GROUND WATER QUALITY BUREAU**  
**DISCHARGE PERMIT**  
**Issued under 20.6.2 NMAC**

**Facility Name:** Atlas Pumping Company, Inc.  
**Discharge Permit Number:** DP-1389  
**Facility Location:** 4160 Broadway Blvd NE  
Albuquerque, NM

**County:** Bernalillo

**Permittee:** Albert Fanelli  
**Mailing Address:** P.O. Box 10477  
Albuquerque, NM 87184

**Facility Contact:** Albert Fanelli  
**Telephone Number/Email:** (505) 898-3936/jr@atlaspumping.com

**Permitting Action:** Renewal and Modification

**Permit Issuance Date:** DATE  
**Permit Expiration Date:** DATE

**NMED Permit Contact:** Avery Young  
**Telephone Number/Email:** (505) 699-8564/avery.young@state.nm.us

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**MICHELLE HUNTER**  
**Chief, Ground Water Quality Bureau**  
**New Mexico Environment Department**

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Date

## TABLE OF CONTENTS

I.	INTRODUCTION .....	1
II.	FINDINGS.....	3
III.	AUTHORIZATION TO DISCHARGE .....	3
IV.	CONDITIONS .....	3
	A. OPERATIONAL PLAN .....	4
	B. MONITORING AND REPORTING .....	5
	C. CONTINGENCY PLAN .....	7
	D. CLOSURE PLAN .....	9
	E. GENERAL TERMS AND CONDITIONS .....	10

## ATTACHMENTS

Discharge Permit Summary

## **I. INTRODUCTION**

The New Mexico Environment Department (NMED) issues this groundwater discharge permit Renewal and Modification (Discharge Permit or DP-1389) to Albert Fanelli and Atlas Pumping Company, Inc. (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from Atlas Pumping Company (Facility) in order to protect groundwater and those segments of surface water gaining from groundwater inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. It is NMED's determination in issuing this Discharge Permit that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. The Permittee is responsible for complying with the terms and conditions of this Discharge Permit pursuant to Section 20.6.2.3104 NMAC; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

Described below are the activities that produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics.

The Permittee processes up to 8,700 gallons per day (gpd) of grease trap waste and vehicle/equipment wash grit trap waste. The Permittee temporarily stores both processed wastes on-site. The Permittee also screens domestic septage at the Facility prior to transporting and disposing of it at Southwest Organics and Compost, LLC (DP-1841). No waste disposal occurs on-site.

The Discharge Permit modification consists of an increase in the maximum daily discharge volume from 2,700 to 8,700 gpd.

The discharge may contain water contaminants or toxic pollutants elevated above the standards of Section 20.6.2.3103 NMAC and is not subject to the exemption at Subsection 20.6.2.3105.A NMAC.

The Facility is located at 4160 Broadway Boulevard SE, South Valley, in Section 8, Township 09N, Range 03E, in Bernalillo County. A discharge at the Facility is mostly likely to affect groundwater at a depth of approximately 280 feet and having a total dissolved solids (TDS) concentration of approximately 566 milligrams per liter.

NMED issued the original Discharge Permit to the Permittee on October 5, 2005 and subsequently renewed the Permit on May 15, 2015. The application (i.e., discharge plan) associated with this Discharge Permit consists of the materials submitted by the Permittee dated

November 18, 2019, and materials contained in the administrative record prior to issuance of this Discharge Permit.

The Permittee shall manage the discharge in accordance with all conditions and requirements of this Discharge Permit.

NMED reserves the right to require a discharge permit modification in the event NMED determines that the Permittee is or may be violating, or is likely to violate in the future, the requirements of 20.6.2 NMAC or the standards of Section 20.6.2.3103 NMAC. NMED reserves this right pursuant to Section 20.6.2.3109 NMAC. An NMED requirement to modify the Discharge Permit may result from a determination by NMED that structural controls and/or management practices approved under this Discharge Permit are insufficiently protective of groundwater quality and human health. NMED reserves the right to require the Permittee implement abatement of water pollution and remediate groundwater quality.

NMED's issuance of this Discharge Permit does not relieve the Permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

This Discharge Permit may use the following acronyms and abbreviations.

Abbreviation	Explanation	Abbreviation	Explanation
BOD <sub>5</sub>	biochemical oxygen demand (5-day)	NMSA	New Mexico Statutes Annotated
CFR	Code of Federal Regulations	NO <sub>3</sub> -N	nitrate-nitrogen
CFU	colony forming unit	NTU	nephelometric turbidity units
Cl	chloride	QA/QC	Quality Assurance/Quality Control
EPA	United States Environmental Protection Agency	SDDS	Surface Disposal Data Sheet
gpd	gallons per day	TDS	total dissolved solids
LAA	land application area	TKN	total Kjeldahl nitrogen
LADS	Land Application Data Sheet(s)	total nitrogen	= TKN + NO <sub>3</sub> -N
mg/L	milligrams per liter	TRC	total residual chlorine
mL	milliliters	TSS	total suspended solids
MPN	most probable number	WQA	New Mexico Water Quality Act
NMAC	New Mexico Administrative Code	WQCC	Water Quality Control Commission
NMED	New Mexico Environment Department	WWTF	Wastewater Treatment Facility

## **II. FINDINGS**

In issuing this Discharge Permit, NMED finds the following.

1. The Permittee is discharging effluent or leachate from the Facility so that such effluent or leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS, within the meaning of Subsection A of 20.6.2.3101 NMAC, without exceeding standards of 20.6.2.3103 NMAC for any water contaminant.
2. The Discharge Permit allows the Permittee to discharge effluent or leachate from the Facility directly or indirectly into groundwater pursuant to this Discharge Permit and Sections 20.6.2.3000 through 20.6.2.3114 NMAC.
3. The discharge from the Facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

## **III. AUTHORIZATION TO DISCHARGE**

The Permittee is responsible for ensuring that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein pursuant to 20.6.2.3104 NMAC.

This Discharge Permit authorizes the Permittee to process up to a total of 8,700 gpd of grease trap waste, vehicle/equipment wash grit trap waste, and domestic septage at the Facility. This Discharge Permit authorizes the Permittee to dry the vehicle/equipment wash grit trap waste in a concrete-lined drying pit and store the waste on concrete pads with the liquid component evaporating and the solids disposed of off-site at a permitted Landfill. This Discharge Permit authorizes the Permittee to process the grease trap waste using an above ground steel tank boiler system and dispose of the aqueous portion of the waste at an off-site facility. The Permittee composts the solids from the grease trap waste on-site on an impervious concrete pad (Solid Waste Bureau Certificate 0101144C). This Discharge Permit authorizes the Permittee to screen domestic septage into two open-top steel half-tanks prior to the Permittee transporting and disposing of it off site. Solid and liquid wastes are not authorized for on-site disposal.

The Permittee may not receive or process any other waste types at the Facility.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection D of 20.6.2.3109 NMAC]

## **IV. CONDITIONS**

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

**A. OPERATIONAL PLAN**

#	Terms and Conditions
1.	<p>The Permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
2.	<p>The Permittee shall operate in a manner that does not violate standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC.</p> <p>[20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
3.	<p>To prevent run-on and run-off from a storm event, the Permittee shall maintain earthen berms surrounding the perimeter of the Facility that are a minimum of 24 inches above natural grade.</p> <p>The Permittee shall inspect the berms on a weekly basis and after any major rainfall event and repair as necessary. In place of a berm across the Facility entrance, the Permittee shall construct and maintain shallow (minimum depth of six inches) stormwater diversion trenches parallel to and on each side of the Facility entrance gate. The Permittee shall maintain all berms and trenches until termination of the permit and the Permittee has met the closure conditions.</p> <p>The Permittee shall keep a log of the inspections that includes the date of the inspection, any findings and repairs, and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
4.	<p>The Permittee shall maintain fences around the entire processing portion of the Facility to restrict access. The fences shall consist of a minimum of six-foot chain link or field fencing and locking gates. The Permittee shall maintain the fences to serve the stated purpose throughout the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
5.	<p>The Permittee shall maintain signs indicating that the wastewater at the Facility is not potable. The Permittee shall post signs at the Facility entrance and other areas where there is potential for public contact with wastewater. The signs shall be printed in English and Spanish and shall remain visible and legible for the term of this Discharge Permit.</p> <p>[NMSA 1978, § 74-6-5.D, Subsections B and C of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
6.	<p>The Permittee shall not combine different waste types. The Permittee shall process waste in separate pits, pads or tanks that receive only a single designated waste type.</p> <p>[Subsection C of 20.6.2.3109 NMAC]</p>
7.	<p>The Permittee shall visually inspect the storage pads, concrete surfaces and half tanks on a monthly basis to ensure proper containment of the separated solid portion of the grit trap and oil/water separator wastes and any leachate. The Permittee shall correct any conditions that could affect the impermeability or structural integrity of the tanks, pads or surface. Such conditions include but are not limited to erosion damage, cracks, animal activity/damage, or evidence of seepage.</p> <p>The Permittee shall create and maintain a log of all storage pad, concrete surface, and tank inspections which describes the date of the inspection, any findings and repairs, and the name of the person responsible for the inspection. The Permittee shall provide the log to NMED upon request.</p> <p>[20.6.2.3107 NMAC]</p>

**B. MONITORING AND REPORTING**

#	Terms and Conditions
8.	<p>The Permittee shall conduct the monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
9.	<p>METHODOLOGY – Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the Permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC.</p> <p>[Subsection B of 20.6.2.3107 NMAC]</p>
10.	<p>Semi-annual monitoring - The Permittee shall perform monitoring and other Permit required actions during the following periods and shall submit semi-annual reports to NMED by the following due dates:</p> <ul style="list-style-type: none"><li>• January 1<sup>st</sup> through June 30<sup>th</sup> – <b>due by August 1<sup>st</sup>; and</b></li><li>• July 1<sup>st</sup> through December 31<sup>st</sup> – <b>due by February 1<sup>st</sup>.</b></li></ul> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

#	Terms and Conditions
11.	<p>The Permittee shall retain on-site a manifest for each load of waste processed at the Facility. The manifest shall record the following information:</p> <ul style="list-style-type: none"><li>• date of receipt;</li><li>• name of the hauling company;</li><li>•</li><li>• name and address of the waste origin;</li><li>• type of waste or description of contamination (differentiate between soil and water);</li><li>• volume of waste;</li><li>• confirmation of inspection for acceptable waste type; and</li><li>• signature of person conducting the inspection.</li></ul> <p>The Permittee shall make the manifests available for inspection by NMED upon request. The Permittee shall submit a summary listing the information from each manifest for wastes received during the reporting period to NMED in the semi-annual monitoring reports.</p> <p>[NMSA 1978, § 74-6-5.D, Subsection A 20.6.2.3107 NMAC]</p>
12.	<p>The Permittee shall prepare a grease trap waste log that details the removal of non-aqueous grease trap waste temporarily stored at the Facility following liquid/solids separation. The log shall include the following information:</p> <ul style="list-style-type: none"><li>• Date of removal of the non-aqueous grease trap waste;</li><li>• Volume of non-aqueous grease trap waste material removed; and</li><li>• Address and contact information of the disposal facility that received the non-aqueous grease trap waste for disposal or recycling.</li></ul> <p>The Permittee shall submit a copy of the grease trap waste log to NMED in the semi-annual monitoring reports.</p> <p>The Permittee shall dispose of non-aqueous grease trap/interceptor waste in accordance with all local, state and federal waste disposal regulations.</p> <p>[20.6.2.3107 NMAC]</p>
13.	<p>The Permittee shall prepare a vehicle wash grit trap waste log that details the removal of vehicle/equipment wash grit trap waste temporarily stored at the Facility following liquid/solids separation. The log shall include the following information:</p> <ul style="list-style-type: none"><li>• Date of removal of the grit trap waste;</li></ul>



#	Terms and Conditions
	<ul style="list-style-type: none"><li>• Volume of grit trap waste material removed; and</li><li>• Address and contact information of the disposal facility that received the grit trap waste.</li></ul> <p>The Permittee shall submit a copy of the vehicle wash grit trap waste log to NMED in the semi-annual monitoring reports.</p> <p>The Permittee shall dispose of grit trap waste in accordance with all local, state and federal waste disposal regulations.</p> <p>[20.6.2.3107 NMAC]</p>

**C. CONTINGENCY PLAN**

#	Terms and Conditions
14.	<p>In the event that groundwater exceeds a groundwater protection standard identified in Section 20.6.2.3103 NMAC as a result of this discharge during the term of this Discharge Permit, upon closure of the Facility or during the implementation of post-closure requirements, the Permittee shall submit to NMED a Corrective Action Plan (CAP) that proposes, at a minimum, contaminant source control measures and an implementation schedule. The Permittee shall implement the CAP as approved by NMED.</p> <p>The NMED may require the Permittee to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
15.	<p>In the event that an inspection performed by the Permittee of any surface concrete structure or subsurface processing component reveals significant damage has occurred or is likely to affect the structural integrity of the structure or its ability to contain contaminants, the Permittee shall propose the repair or replacement of the component by submitting a Corrective Action Plan (CAP) to NMED for approval. The Permittee shall submit the CAP to NMED within 30 days after discovery of the damage or following notification from NMED that significant damage is evident. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall initiate implementation of the CAP following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>

#	Terms and Conditions
16.	<p data-bbox="289 317 1432 470">In the event that a release occurs that is not authorized under this Discharge Permit (commonly known as a “spill”), the Permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p data-bbox="289 514 1432 583">Within <u>24 hours</u> following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information.</p> <ul data-bbox="289 590 1432 936" style="list-style-type: none"><li>a) The name, address, and telephone number of the person or persons in charge of the Facility, as well as of the owner and/or operator of the Facility.</li><li>b) The name and address of the Facility.</li><li>c) The date, time, location, and duration of the unauthorized discharge.</li><li>d) The source and cause of unauthorized discharge.</li><li>e) A description of the unauthorized discharge, including its estimated chemical composition.</li><li>f) The estimated volume of the unauthorized discharge.</li><li>g) Any actions taken to mitigate immediate damage from the unauthorized discharge.</li></ul> <p data-bbox="289 980 1432 1092">Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED providing the information listed above and any pertinent updates.</p> <p data-bbox="289 1136 1432 1287">Within <u>15 days</u> following discovery of the unauthorized discharge, the Permittee shall submit a Corrective Action Plan (CAP) to NMED describing any corrective actions previously taken and corrective actions to be taken relative to the unauthorized discharge. The CAP shall include the following information.</p> <ul data-bbox="289 1293 1432 1480" style="list-style-type: none"><li>a) A description of proposed actions to mitigate damage from the unauthorized discharge.</li><li>b) A description of proposed actions to prevent future unauthorized discharges of this nature.</li><li>c) A schedule for completion of proposed actions.</li></ul> <p data-bbox="289 1524 1432 1751">In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103 NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, NMED may require the Permittee to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p data-bbox="289 1795 1432 1864">The Permittee shall not construe anything in this condition as relieving them of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p>

#	Terms and Conditions
	[20.6.2.1203 NMAC]
17.	<p>In the event that NMED or the Permittee identifies any failures of the discharge plan, i.e., the application, or this Discharge Permit not specifically noted herein, NMED may require the Permittee to submit a Corrective Action Plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a discharge permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

#### D. CLOSURE PLAN

#	Terms and Conditions
18.	<p>Upon closure of the Facility, the Permittee shall perform the following closure measures:</p> <ol style="list-style-type: none"><li>Dispose of all stored non-aqueous grease trap/interceptor waste stored on-site in accordance with terms and requirements of this Discharge Permit.</li><li>Remove all liquid from the liquid/solids separation equipment, evaporative system, and other equipment and properly dispose of the wastes in accordance with this Discharge Permit.</li><li>Remove and dispose of all processing and storage units, including concrete slabs and all tanks, at a permitted disposal facility.</li><li>Remove tanks from the Facility, perforate linings and re-grade the area to match the surrounding topography and promote positive drainage.</li><li>Pump out any liquid waste and waste solids contained in the processing and storage units and dispose of the wastes in accordance with all local, state, and federal regulations.</li><li>Sample remaining soil beneath the car wash sand trap waste concrete drying pit, grease trap separation tanks and underground storage tanks for oil and grease, metals, and volatile and semi-volatile organic compounds, and submit to NMED for review the sample analyses within 30 days after sample collection.</li><li>Upon notification from NMED, backfill the area where the car wash sand trap waste concrete drying pit was removed with clean fill and grade to blend with surface topography and prevent ponding.</li><li>Backfill areas where tanks were removed with clean fill and grade to blend with surface topography and prevent ponding.</li></ol> <p>When the Permittee has met all closure requirements and verified appropriate actions with date stamped photographic evidence or an associated NMED inspection, the Permittee may submit to NMED a written request, including photographic evidence, for</p>

#	Terms and Conditions
	termination of the Discharge Permit.  [Subsection A of 20.6.2.3107 NMAC]

**E. GENERAL TERMS AND CONDITIONS**

#	Terms and Conditions
19.	<p><b>RECORD KEEPING</b> - The Permittee shall maintain a written record of the following:</p> <ul style="list-style-type: none"><li>• Information and data used to complete the application for this Discharge Permit;</li><li>• Information, data, and documents demonstrating completion of closure activities;</li><li>• Any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC;</li><li>• The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater and wastes;</li><li>• Facility record drawings (plans and specifications) showing the actual construction of the Facility and bear the seal and signature of a licensed New Mexico professional engineer;</li><li>• Copies of logs and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit;</li><li>• The volume wastes discharged or managed pursuant to this Discharge Permit;</li><li>• Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including:<ul style="list-style-type: none"><li>○ the dates, location and times of sampling or field measurements;</li><li>○ the name and job title of the individuals who performed each sample collection or field measurement;</li><li>○ the sample analysis date of each sample</li><li>○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;</li><li>○ the analytical technique or method used to analyze each sample or collect each field measurement;</li><li>○ the results of each analysis or field measurement, including raw data;</li><li>○ the results of any split, spiked, duplicate or repeat sample; and</li><li>○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used.</li></ul></li></ul> <p>The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for the lifetime of the Discharge Permit. The Permittee shall make the record available to the department upon request.</p>

#	Terms and Conditions
	[Subsections A and D of 20.6.2.3107 NMAC]
20.	<p>SUBMITTALS – The Permittee shall submit both a paper copy and an electronic copy of all notification and reporting documents required by this Discharge Permit, e.g., monitoring reports. The paper and electronic documents shall be submitted to the NMED Permit Contact identified on the Permit cover page.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
21.	<p>INSPECTION and ENTRY – The Permittee shall allow NMED to inspect the Facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which any maintained records required by this Discharge Permit, the regulations of the federal government, or the WQCC are located.</p> <p>The Permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>No person shall construe anything in this Discharge Permit as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
22.	<p>DUTY to PROVIDE INFORMATION - The Permittee shall, upon NMED's request, allow for NMED's inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
23.	<p>MODIFICATIONS and/or AMENDMENTS – In the event the Permittee proposes a change to the Facility or the Facility's discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the Facility, the Permittee shall notify NMED prior to implementing such changes. The Permittee shall obtain NMED's approval (which may require modification of this Discharge Permit) prior to implementing such changes.</p>

#	Terms and Conditions
	[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]
24.	<p>PLANS and SPECIFICATIONS – In the event the Permittee proposes to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the Permittee shall submit construction plans and specifications of the proposed system or process unit to NMED for approval prior to the commencement of construction.</p> <p>In the event the Permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the Permittee shall report such changes (including the submission of record drawings where applicable) to NMED prior to implementation.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
25.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the Permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
26.	<p>CRIMINAL PENALTIES – No person shall:</p> <ul style="list-style-type: none"><li>• Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or maintained under the WQA;</li><li>• Falsify, tamper with or render inaccurate any monitoring device, method or record maintained under the WQA; or</li><li>• Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation.</li></ul>

#	Terms and Conditions
	<p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third-degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
27.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the Permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
28.	<p>RIGHT to APPEAL - The Permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues raised and the relief sought. Unless the Permittee files a timely petition for review, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
29.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this Facility or any portion thereof, the Permittee shall:</p> <ul style="list-style-type: none"> <li>• Notify the proposed transferee in writing of the existence of this Discharge Permit;</li> <li>• Include a copy of this Discharge Permit with the notice; and</li> <li>• Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification.</li> </ul> <p>The Permittee shall continue to be responsible for any discharge from the Facility, until both ownership and possession of the Facility have been transferred to the transferee.</p>

#	Terms and Conditions
	[20.6.2.3111 NMAC]
30.	<p>PERMIT FEES – The Permittee shall be aware that the payment of permit fees is due at the time of Discharge Permit approval. The Permittee may pay the permit fees in a single payment or they may pay the fee in equal installments on a yearly basis over the term of the Discharge Permit. The Permittee shall remit single payments to NMED no later than 30 days after the Discharge Permit issuance date. The Permittee shall remit initial installment payments to NMED no later than 30 days after the Discharge Permit issuance date; with subsequent installment payments remitted to NMED no later than the anniversary of the Discharge Permit issuance date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. No person shall construe anything in this Discharge Permit as relieving the Permittee of the obligation to pay all permit fees assessed by NMED. A Permittee that ceases discharging or does not commence discharging from the Facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. NMED shall suspend or terminate an approved Discharge Permit if the Permittee fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>